IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3627 of 2005

Between:

Pathangi Manga, W/o. Seetaramudu,
R/o. Near Shadikhana, Ashok Nagar, Nandigama, Krishna district.

..... PETITIONER

AND

1 The Collector and District Magistrate, krishna

District at Machilipatnam.
2 The Government of Andhra Pradesh, Rep. by itself

Chief Secretary, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of Writ of Habeas Corpus to direct the respondents to produce

the husband of the petitioner named Panthangi Seetharamudu, S/o. Lingaiah, aged about 40 years, R/o. Nandigama, Krishna District now confined in central prison Rajahmundry before this Hon'ble Court and consequently set him at liberty after declaring the impugned detention orders vide Rc.No. 3437/2004/C1, dated 23-12-2004 issued by the 1st respondent as arbitrary, illegal and violation of the Article 21 of the Constitution of India in the interest of justice.

Counsel for the Petitioner:MR.P.NAGENDRA REDDY

Counsel for the Respondent No.: THE ADVOCATE GENERAL

The Court made the following :

O R D E R (Per BN,J)

Heard learned counsel for the parties.

2. This writ petition is filed challenging the order of detention passed by the Collector under Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas Immoral Traffic Offenders and Land Grabbers Act, 1986.

3 . Order of detention has been passed on 23.12.2004 and the grounds of detention have been served on the detenue. One of the grounds of detention is as under:

> “There are several oral complaints received against you about the illegal activities of yours are causing wide spread danger to public health and creating a feeling of insecurity among the general public of that locality. If your activities are allowed unchecked there is every danger of its leading to Liquor Tragedies costing many lives of poor people in Nandigama and its surroundings and thereby effects the Public Order.”

4 . We have already held in K.SARVESWARA RAO v. GOVERNMENT OF ANDHRA PRADESH that the detention is liable to be quashed, if the detaining authority relies on a material, which is not made available to the detenue, because it denies opportunity of making an effective representative, in terms of Article 22(5) of the Constitution of India. For this ground alone, we allow the writ petition and quash the order of detention and direct the release of the detenue from custody forthwith, if not needed in any other case.

BILAL NAZKI,J

L.NARASIMHA REDDY,J

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Collector and District Magistrate, krishna

District at Machilipatnam.

2 The Government of Andhra Pradesh, Rep. by itself

Chief Secretary, Secretariat, Hyderabad.

3. 2 CCs to G.P. for Home, for Advocate General, High Court of A.P. Buildings (OUT).

4) 2 CD copies

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